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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,600	11/10/2003	James A. Brewer	016295.1456 (DC-05252)	5576
23640	7590	08/30/2006	EXAMINER	
BAKER BOTTS, LLP 910 LOUISIANA HOUSTON, TX 77002-4995				CONNOLLY, MARK A
		ART UNIT		PAPER NUMBER
		2115		

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/705,600	BREWER ET AL.
	Examiner	Art Unit
	Mark Connolly	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12, 14-22 and 24-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-12, 18-22 and 26 is/are allowed.
- 6) Claim(s) 14-17 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12, 14-22 and 24-26 have been presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Oprescu et al [Oprescu] US Pat No 5842027.

4. Referring to claim 24, Oprescu teaches the power throttling method comprising:

- a. monitoring power consumption for an information handling system, wherein the monitoring comprises reading power information from at least one device within the information handling system [col. 5 lines 43-62 and col. 7 lines 19-35].

- b. automatically transmitting power level data from the information handling system to a power level manager, based on the monitored power consumption [col. 5 lines 43-62 and col. 7 lines 19-35].

- c. receiving power control data from the power level manager at the information handling system [col. 8 line 66- col. 9 line 13].

- d. automatically adjusting power consumption of the information handling system, in accordance with the power control data received from the power level manager [col. 8 line 66- col. 9 line 13].

In particular, Oprescu teaches monitoring power consumption by reading power information, from devices within the information handling system, transmitted across a data transmission bus in packets and using the received information to adjust the power consumption of the information handling system.

5. Referring to claim 25, Oprescu teaches that the data bus for transmitting power information can connect a network of computers and thus transmitted power information would be sent across a network [col. 4 lines 41-43].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oprescu as applied to claims 24 and 25 above and further in view of Spitaels et al [Spitaels] US Pat No 6721672.

8. Referring to claims 14, this is rejected on the same basis as set forth hereinabove. In addition, Oprescu teaches adjusting the power setting for at least one of the computers [fig. 2]. Although Oprescu teaches the method substantially above, it is not explicitly taught that the multiple computers draw power from a shared circuit breaker. Spitaels explicitly teaches a means to power multiple computers, which allow multiple computers to draw power from a shared circuit breaker [col. 5 lines 38-45]. It would have been obvious to one of ordinary skill in the art to include the shared circuit breaker into the Oprescu system because it provides a means

to power the network taught in Oprescu while providing protection from overload conditions [col. 1 lines 7-13].

9. Referring to claim 15, Oprescu teaches requesting permission to modify power consumption [102 fig. 2].

10. Referring to claim 16, this is rejected on the same basis as set forth hereinabove. Furthermore, Oprescu teaches that power manager 50 receives power information from the devices (or network computers) connected to bus 12 [col. 5 lines 33-42]. It is inherent that an interface exists between the power manager 50 and the multiple computers connected to bus 12.

11. Referring to claim 17, Oprescu teaches receiving power information from the systems via a power line [col. 4 lines 44-45 and col. 7 lines 22-33].

Allowable Subject Matter

12. Claims 1-12,18-22 and 26 are allowed.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly
Examiner
Art Unit 2115

mc
August 22, 2006



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